

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) |   |
|                           | ) |   |
| Plaintiff,                | ) |   |
|                           | ) |   |
| v.                        | ) | CIVIL ACTION NO. <b>1:06cv00142-WHA-DRB</b> |
|                           | ) |   |
| ALAN M. PATTERSON, JR.,   | ) |   |
|                           | ) |   |
| Defendant                 | ) |   |

**MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that it be granted leave to file a response and appropriate motion out of time and as grounds states as follows:

1. By Order dated March 28, 2006, the Court ordered counsel for the United States to communicate with the defendant regarding the resolution of this cause. The United States was also ordered to notify the Court in some fashion of the results of the party's communication no later than Friday, April 28, 2006. Per the Court's Order communication with the defendant was had between the date of the Order and April 28, 2006.

2. Counsel for the defendant sincerely regrets that the press of other matters, including the preparation of an appellate brief to the Second Circuit Court of Appeals, which was filed on Monday, May 1, 2006, diverted his attention from this matter and the Court's deadline. Additionally, a dispositive motion was also due in a separate matter arose on Monday, May 1, 2006, and the undersigned was out of the office on Tuesday, May 2, 2006, attending to matters of a personal nature. The undersigned noticed his oversight in this matter late in the afternoon of Wednesday, May 3, 2006.

WHEREFORE, premises considered, the United States requests leave to file the attached report and Motion to Dismiss without Prejudice out of time.

Respectfully submitted this 4<sup>th</sup> day of May, 2006.

LEURA G. CANARY  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I further certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant:

Alan M. Patterson, Jr.  
1263 Westgate Parkway  
Dothan, AL 36303

s/R. Randolph Neeley  
Assistant United States Attorney